

THOMAS A. ERICSSON, ESQ.  
 Nevada Bar No. 4982  
 Oronoz & Ericsson, LLC  
 1050 Indigo Drive, Suite 120  
 Las Vegas, Nevada 89145  
 Telephone: (702) 878-2889  
 Facsimile: (702) 522-1542  
 tom@oronozlawyers.com  
*Attorney for Alejandro Avalos*

**UNITED STATES DISTRICT COURT  
 DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,  
  
                     Plaintiff,  
  
                     vs.  
  
 ALEJANDRO AVALOS,  
  
                     Defendant.

CASE NO: 2:21-cr-00092-JAD-VCF

**DEFENDANT AVALOS’  
 SUPPLEMENTAL SENTENCING  
 EXHIBITS**

Defendant ALEJANDRO AVALOS, by and through his counsel of record, Thomas A. Ericsson, Esq., respectfully submits this Supplemental Sentencing Memorandum for the Court’s consideration at the upcoming sentencing. Counsel for Defendant Alejandro Avalos received the attached documents in the mail from Mr. Avalos today. Mr. Avalos submits the documents for the Court’s consideration for his upcoming sentencing on November 8, 2021 at 2:00 p.m.

Attached hereto as Exhibit B:

1. Letter from Defendant Alejandro Avalos dated November 1, 2021;
2. Letter for J. Peterson, Case Manager for Nevada Southern Detention Center;
3. Four (4) pages newspaper articles; and

///

///

///

DATED this 4<sup>th</sup> day of November 2021.

2

**CERTIFICATE OF ELECTRONIC SERVICE**

I, the undersigned, hereby certify that I work for Oronoz & Ericsson, LLC, a firm licensed to practice law in the District of Nevada, and I am of such age and discretion as to be competent to serve papers.

That on November 4, 2021, I served an electronic copy of the above Supplemental Sentencing Exhibits on all counsel herein by electronic mail.

/s/ Jan Ellison  
Oronoz & Ericsson, LLC

**EXHIBIT B**

U.S. FEDERAL FOLEY BUILDING  
DISTRICT JUDGE JENNIFER DORSEY  
333 LAS VEGAS BLVD., SOUTH  
LAS VEGAS, NV. 89101

Docket No. 097802:1CR00092-001  
November 1, 2021

To The Honorable Judge Dorsey,

I apologize to The Court and to my family for the inconvenience that I have caused regarding for my immaturity and negligent conduct. Your Honor I accept full responsibility for my actions and I'm grateful for the mental help that The Government is in agreement with me receiving in order for me to become a better father and citizen; this will also provide me a better productive future. I have an issue with alcohol which is what led to this incident and I am going to take the necessary steps to conquer this demon. This incident was avoidable!

Although, I accept full responsibility for my conduct, it is my belief that the plea agreement that I entered in with The government is mildly harsh for the offense that I am pleading guilty to. I accepted the plea agreement because it appears that this will ensure me the speediest pathway home and so that I may retain employment and support my family.

I was left with no other choice but to accept the latest plea agreement because of the lack of concern and empathy that my counsels provided me. All of the previous counsels appeared to be more concern about negotiating an offer for their own interest rather than what was best for me and my family. I am not the monster whom The Government has characterized me to be.

In comparison to the sentences that others have received for offenses that are an almost exact fit as mine, my plea agreement is egregious (**see Attached Articles**). I do not condone the acts that I committed but there are those whom made attempts to destroy The sacred Capital of The United States, who received sentences from other Federal Judges that are much less abusive than the *only* offer that The Government was willing to offer me, short of going to trial and I desire the same Fair Justice. Therefore Your Honor, I humbly petition you to grant me extreme leniency. It is my strongest desire to make this incident a chapter of my past life.

Respectfully submitted,

ALEJANDRO AVALOS #56433048  
2190 E. MESQUITE AVE  
PAHRUMP, NV. 89060

"B1"



**Peterson, J**

2190 East Mesquite Ave  
Pahrump, NV 89060  
Phone: 775-751-4500  
Fax: 775-751-8763

**Nevada Southern Detention Center**

**PILB Lic #2135B**

---

**To whom it may concern,**

I am a Case Manager at Nevada Southern Detention Center in Pahrump, NV. Detainee Avalos, Alejandro #56433048 arrived to Nevada Southern Detention Center on 10/08/2020. He has maintained applicable conduct only receiving one Disciplinary Report. He has completed several programs offered at Nevada Southern Detention Center, he has also completed several programs that are available to him on our tablet system GTL. Avalos has also been a Unit Porter for us since his arrival. Since Avalos' arrival he has been housed in our Restrictive Movement unit per his request due to him being a drop out gang member, this is both for his safety as well as the safety and security of others housed at our facility. If further information regarding his identity please feel free to contact the facility at 775-751-4500.

Thank You

A handwritten signature in black ink, appearing to be "JP", written over a horizontal line.

**Peterson, J**  
Case Manager  
Nevada Southern Detention Center  
10/31/2021

---

"B-2"



**How much time will rioters get?**

USA TODAY ■ FRIDAY, JULY 16, 2021 ■ 3A

"B-3"



Bart Jansen  
USA TODAY

WASHINGTON — Paul Hodgkins, a 38-year-old Tampa, Florida, man, dodged the violence that surrounded him during the Jan. 6 Capitol riot before spending 15 minutes in the Senate chamber, meandering the room with a Trump flag and snapping selfies.

Now, Hodgkins could land in prison for more than a year, after becoming one of the first four defendants to plead guilty to felonies in the attack. Sentencing guidelines in three other felony agreements call for terms of at least three to five years. Another eight people have pleaded guilty to misdemeanors that could lock them up for six months.

Prosecutions of the hundreds charged in the riot are just getting started, offering Americans an initial look at just how severe the punishments will be for those who stormed the Capitol more than six months ago. The first dozen plea bargains reveal defendants could spend years behind bars for ransacking the historic building — and legal experts say harsher penalties loom for those who assaulted police and destroyed property.

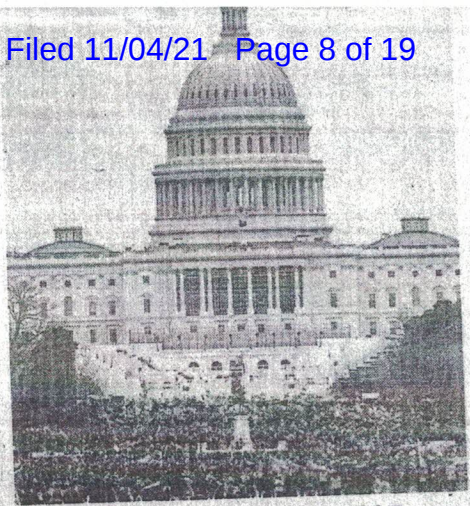
The agreements also illustrate that federal prosecutors are playing hardball, using the threat of harsh sentences and requirements for cooperating to convict others, according to experts.

“The federal system has notoriously long sentences — the guidelines are famously draconian,” said Erin Murphy, a law professor at New York University, called the sentencing guidelines “run of the mill” for joining a mob to contest the election and break into a U.S. building.

Sentences could be reduced for those who cooperate with prosecutors, as required by the agreements with the three members of the Oath Keepers, a far-right paramilitary group. Also, judges in the District of Columbia tend to issue sentences shorter than the guidelines more than one-third of the time.

But initial plea agreements didn’t cover the most serious crimes on Jan. 6, and aimed for cooperation to convict organizers or more-violent rioters. Longer sentences would be expected for those convicted of assaulting police and destroying property, according to experts.

“I would certainly expect that judges would be very concerned about assaults on law enforcement,” said Ian Weinstein, a law professor at Fordham University who has practiced federal law for decades. “I would think that an assault on a police officer is something in my experience that judges take very seriously



**Supporters of President Donald Trump surround the U.S. Capitol following a rally on Jan. 6 in Washington, DC.**

SAMUEL CORUM/GETTY IMAGES

when sentencing people.”

About 140 police officers were injured during the melee that temporarily halted Congress counting Electoral College votes. The disruption led to charges of obstruction of an official proceeding, which carries a 20-year maximum sentence. Dozens of conspiracy charges were based on planning for the attack through encrypted messages, military-style training and wearing helmets and reinforced vests.

At least 535 people were charged in the first six months after the attack, with 165 accused of assaulting, resisting or impeding officers, according to the Justice Department. More than 50 people are charged with using a deadly weapon, or causing serious bodily injury to an officer, the department said.

The felony plea agreements came in cases that described defendants planning the attack through encrypted software, transporting firearms to the D.C. area, joining the mob that broke into the Capitol, and standing inside the Senate chamber. Some of the defendants barged their way past police to enter the building. But the average time that each of the four defendants spent inside the Capitol ranged from four to 20 minutes.

Plea agreements so far include:

- Graydon Young, 54, of Englewood, Florida, pleaded guilty June 23 to conspiracy and obstruction of Congress. Sentencing guidelines call for 63 months to 78 months in prison and a fine of at least \$25,000. Young, who wore a reinforced vest and helmet while carrying a radio, entered the Capitol in a military “stack” formation.

- Mark Grods, 54, of Mobile, Alabama, pleaded guilty June 30 to conspiracy and obstruction of Congress.



Sentencing guidelines call for 51 to 63 months in prison and a fine of at least \$20,000. Grods, who acknowledged coordinating with other Oath Keepers, brought a shotgun, semi-automatic handgun and ammunition for a co-conspirator to store at a Virginia hotel.

• Jon Schaffer, 53, of Columbus, Indiana, pleaded guilty April 13 to obstruction of an official proceeding and entering and remaining in a restricted building with a deadly or dangerous weapon. Sentencing guidelines call for 41 to 51 months in prison and a fine of at least \$15,000.

• Hodgkins pleaded guilty June 2 to obstruction of an official proceeding after being indicted on five charges. Sentencing is set for Monday, with guidelines calling for 15 to 21 months in prison and a fine of at least \$4,000.

Judges could take into consideration "relevant conduct" at sentencing, such as Young, Grods and Schaffer being members of the Oath Keepers, a group whose members are recruited from former members of the military and law enforcement.

Some defendants, such as Jake Angeli, who wore horns and face paint on Jan. 6, have already spent months behind bars awaiting trial. But sentences could be shorter than the guidelines suggest, if defendants cooperate with prosecutors to convict others.

At least 16 Oath Keepers are charged in the attack. Three Oath Keepers who pleaded guilty so far – Grods, Schaffer and Young – each agreed to turn over evidence of crimes they are aware of, to testify in court and potentially to participate in covert law enforcement. Judges will weigh that cooperation when deciding prison terms.

Judges could also simply impose shorter terms. Federal judges imposed sentences shorter than guidelines in 24.5% of cases nationwide, according to a 2020 report by the U.S. Sentencing Commission. In the District of Columbia, federal judges imposed shorter sentences 38.9% of the time, according to the commission.

Defendants also each agreed to restitution, to help pay for \$1.5 million damage to the Capitol. Young, Grods and Hodgkins each agreed to pay \$2,000

restitution, and Schaffer's hasn't been set.

The misdemeanor "parading, demonstrating or picketing in a Capitol building" has become a catchall charge for minor cases in the riot. Eight defendants pleaded guilty to this single charge, while numerous other charges, including felonies, were stripped away. The misdemeanor carries a maximum sentence of six months in jail and a \$5,000 fine.

Six misdemeanor defendants await sentencing. Most spent just a few minutes inside the building to take pictures or video without attacking anyone or destroying anything.

Bryan Wayne Ivey, 28, of Crossville, Tennessee, watched another rioter break through a window using a riot shield, and then he entered the building through the window.

Robert Maurice Reeder, 55, of Harford County, Maryland, recorded an assault against an officer.

"I got gassed several times inside the Capitol, many times outside the Capitol," Reeder said in one video. "We had to do...ah...battle with police inside. It was crazy...absolutely insane."

Two defendants have been sentenced for misdemeanors, reflecting the most and least they could have received.

Michael Thomas Curzio, who was arrested in Summerfield, Florida, was sentenced Monday to the full six months after being detained that long while awaiting trial. He had previously served an eight-year sentence ending in 2019 for attempted murder.

Anna Morgan-Lloyd, 49, of Bloomfield, Indiana, received three years of probation and \$500 for restitution.

The sentences capped a saga for those who described an exhilarating day of protest, but one that ended with federal convictions and penalties. Morgan-Lloyd had called Jan. 6 "the most exciting day of my life," which included about five minutes inside the Capitol, but she said at sentencing that she was ashamed of the violence unleashed.

"Some of my defendants in some of these other cases think there's no consequence to this, and there is a consequence," District Judge Royce Lamberth said at Morgan-Lloyd's sentencing.



## Judge: Let riot sentence be a message

By Lindsay Whitehurst  
The Associated Press

A federal judge said Friday he hopes a three-month sentence behind bars in a U.S. Capitol insurrection case will send a message to other defendants who don't seem to be "truly accepting responsibility."

U.S. District Judge Thomas Hogan spoke as he sentenced Robert Reeder, a Maryland man who had originally described himself as an "accidental tourist" before video emerged of him grabbing a police officer.

"It's become evident to me that many of the defendants pleading guilty do not truly accept responsibility. They seem, to me, to be trying to get this out of the way as quickly as possible, stating whatever they have to say ... but not changing their attitude," Hogan said.

He said he believed Reeder is sorry now and sentenced him to half of the six months prosecutors had wanted, but the judge said some of Reeder's previous statements had been "disingenuous and self-serving."

Reeder had been expected to get probation last month, after pleading guilty to a misdemeanor and saying he had not been involved in any violence that day. Then armchair detectives who call themselves Sedition Hunters unearthed the video online. Prosecutors said the recording captured an assault on an officer, though they opted not to file new charges.

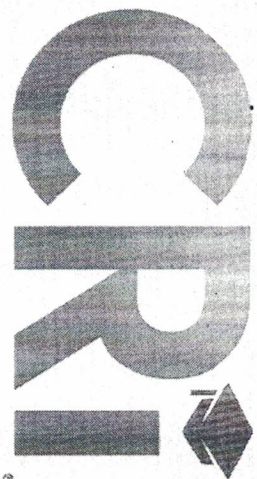
Reeder said he touched or grabbed the officer's shoulder and forgot to mention it in previous FBI interviews where he voluntarily shared video with agents.

In other developments:

■ Federal prosecutors are recommending that a New Hampshire man who was arrested in connection with the Jan. 6 siege at the U.S. Capitol be sentenced to a month of home confinement and 60 hours of community service. Thomas Gallagher, 62, of Bridgewater, pleaded guilty in July to a misdemeanor count of parading, demonstrating or picketing in a U.S. Capitol building.

■ Two more Springfield, Missouri, women have been charged with participating in the insurrection at the U.S. Capitol in January. The Springfield News-Leader reports that the federal case against Cara Hentschel and Mahailya Pryer was unsealed this week.

■ A Nebraska man accused of participating in the storming of the U.S. Capitol has pleaded guilty to a single misdemeanor count of disorderly conduct in the case. In exchange for Brandon Straka's plea, a felony count of impeding a law enforcement officer during civil disorder was dropped.



Corrections Rehabilitation Institute

# Certificate of Completion

*Presented To*

**ALEJANDRO AVALOS**

---

*For Successfully Completing*

***Entrepreneurship***

*Completion Date :*

**September 20, 2021**

*Course Location :*

**GTL LMS**

*Corrections Rehabilitation Institute*

“B-4”





# Certificate of Completion

*Presented To*

**ALEJANDRO AVALOS**

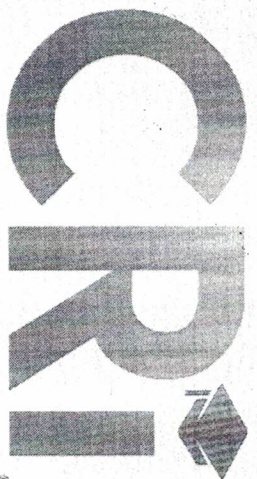
---

*For Successfully Completing  
Behavior Change*

*Completion Date :  
September 20, 2021*

*Course Location :  
GTL LMS*

*Corrections Rehabilitation Institute*



Corrections Rehabilitation Institute

# Certificate of Completion

*Presented To*

**ALEJANDRO AVALOS**

---

*For Successfully Completing*

***Career Resources***

*Completion Date :*

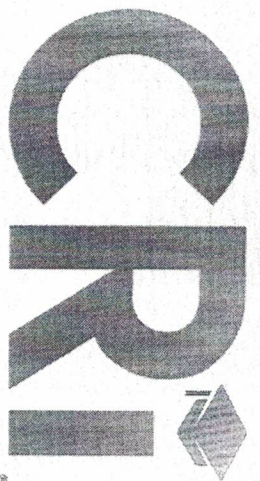
**September 20, 2021**

*Course Location :*

**GTL LMS**

*Corrections Rehabilitation Institute*





Corrections Rehabilitation Institute

# Certificate of Completion

*Presented To*

**ALEJANDRO AVALOS**

---

*For Successfully Completing*

***Anger Management***

*Completion Date :*

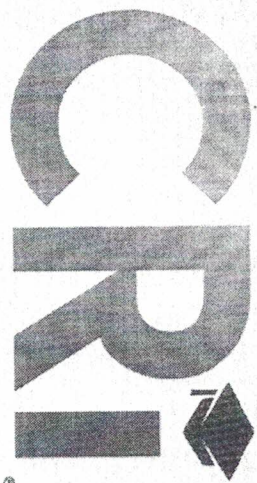
**September 18, 2021**

*Course Location :*

**GTL LMS**

*Corrections Rehabilitation Institute*





Corrections Rehabilitation Institute

# Certificate of Completion

*Presented To*

**ALEJANDRO AVALOS**

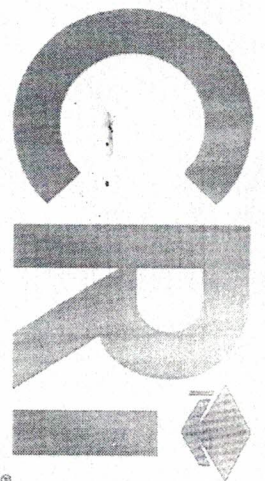
---

*For Successfully Completing  
Conflict Resolution*

*Completion Date :  
September 20, 2021*

*Course Location :  
GTL LMS*

*Corrections Rehabilitation Institute*



Corrections Rehabilitation Institute

# Certificate of Completion

*Presented To*

**ALEJANDRO AVALOS**

*For Successfully Completing*

**Basic Education**

*Issued Date :*

**September 18, 2021**

*Course Location :*

**GTL LMS**

*Corrections Rehabilitation Institute*





# Certificate of Participation

*This is to certify that*

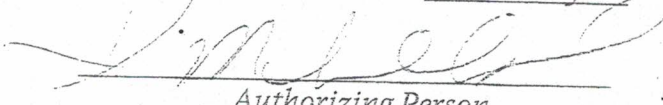
*Alejandro Avalos*

*has satisfactorily completed the requirements prescribed for*

*Ideas for Better Communication*

Given on this, the 23rd day of February, Two Thousand and Twenty One

\_\_\_\_\_  
Warden

  
\_\_\_\_\_  
Authorizing Person



# Certificate of Participation

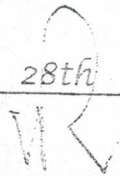
*This is to certify that*

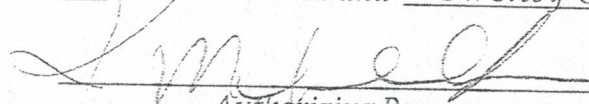
*Alejandro Avalos*

*has satisfactorily completed the requirements prescribed for*

*Contingency Management Strategies and Ideas*

Given on this, the 28th day of February, Two Thousand and Twenty One

  
\_\_\_\_\_  
Warden

  
\_\_\_\_\_  
Authorizing Person





# Certificate of Participation

*This is to certify that*

*Alejandro Avalos*

*has satisfactorily completed the requirements prescribed for*  
*Getting Motivated To Change*

Given on this, the 20<sup>th</sup> day of January, Two Thousand and Twenty One

*Warden*

*Authorizing Person*



# Certificate of Participation

*This is to certify that*

*Alejandro Avalos*

*has satisfactorily completed the requirements prescribed for*  
*Preparation for Change*

Given on this, the 1<sup>st</sup> day of February, Two Thousand and Twenty One

*Warden*

*Authorizing Person*





## Certificate of Participation

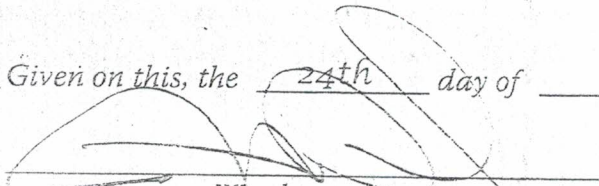
*This is to certify that*

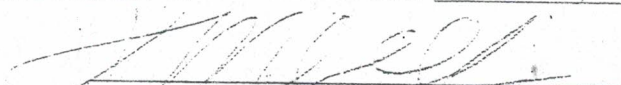
*Alejandro Avalos*

*has satisfactorily completed the requirements prescribed for*

*Understanding And Reducing Angry Feelings*

Given on this, the 24<sup>th</sup> day of December, Two Thousand and Twenty

  
\_\_\_\_\_  
Warden

  
\_\_\_\_\_  
Authorizing Person

Certificate printed in blue, red, and black on security paper, security feature on face and back



## Certificate of Participation

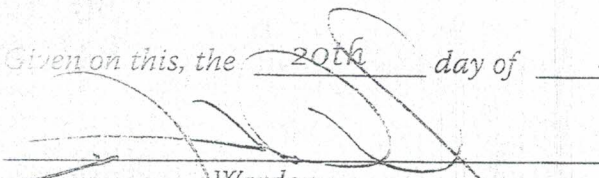
*This is to certify that*

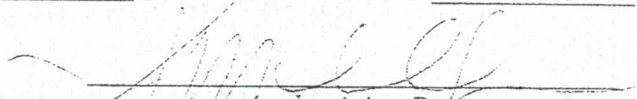
*Alejandro Avalos*

*has satisfactorily completed the requirements prescribed for*

*Understanding And Reducing Angry Feelings*

Given on this, the 20<sup>th</sup> day of January, Two Thousand and Twenty One

  
\_\_\_\_\_  
Warden

  
\_\_\_\_\_  
Authorizing Person

Certificate printed in blue, red, and black on security paper, security feature on face and back